



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,924	01/11/2001	Thomas J. McLaughlin	2304.2.7	9623

21552 7590 11/01/2004

MADSON & METCALF
GATEWAY TOWER WEST
SUITE 900
15 WEST SOUTH TEMPLE
SALT LAKE CITY, UT 84101

EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
----------	--------------

2642

2

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,924

Applicant(s)

MCLAUGHLIN ET AL.

Examiner

Benny Q. Tieu

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen et al. (U.S. Patent No. 6,735,286).

Regarding claims 1, 15, 17, 18, 26, 28 and 29, Hansen et al. teach a method, a computer readable medium having stored thereon computer executable instructions and a network communication system for transferring a call from a local user to a plurality of node users, comprising:

a local device configured to transmit call data representative of the call and generate a call indicator (Fig. 8A, 805);

a plurality of nodes in electrical communication with the local device and configured to generate a ring message in response to receipt of the call indicator, each node having (Fig. 8A, 838A or 838B),

an output device for displaying the ring message (Fig. 8A, 837B), and

Art Unit: 2642

an input device for entering response data in response to the ring message (keypad); and
a server in electrical communication with the local device and the plurality of nodes to regulate call data and response data (Fig. 8A, 820).

Regarding claims 2, 16 and 27, Hansen et al. further teach the method, computer readable medium and network communication system wherein the call data comprises text data (TDD calls).

Regarding claim 3, Hansen et al. further teach the network communication system of comprising a modem in electrical communication with the local device, the modem configured to establish a carrier connection with a remote device to receive the call from the remote device, the local device configured to convert call data into a format suitable for transfer from the local device to a node (Fig. 8A, 822).

Regarding claims 4, 21 and 22, Hansen et al. further teach the network communication system wherein the modem maintains a carrier connection with the remote device during transfer of the call (column 13, lines 33-55).

Regarding claim 5, Hansen et al. further teach the network communication system wherein each node is configured to generate response data representative of node user inputs and transfer the response data to the local device to thereby enable real time communication between nodes and the local device (column 11, lines 51-67).

Regarding claims 6, 23 and 32, Hansen et al. further teach the method, computer readable medium and network communication system of claim 1, wherein the call indicator includes identification data for identifying the call (column 8, lines 6-25).

Regarding claim 7, see column 17, line 22 through column 18, line 10.

Art Unit: 2642

Regarding claim 8, Hansen et al. further teach the network communication system wherein the node module comprises a browser for interfacing with the world wide web (column 3, lines 25-47).

Regarding claim 9, Hansen et al. further teach the network communication system wherein the ring message generation module generates a visual display on the output device (column 18, lines 50-67).

Regarding claim 10, Hansen et al. further teach the network communication system wherein the ring message generation module generates an audible indicator on the output device (column 13, lines 60-65).

Regarding claims 11, 13, 25 and 33, see column 18, lines 50-67.

Regarding claims 12 and 24, Hansen et al. further teach the network communication system wherein the ring message generation module generates input options to request further identification data on the call (column 8, lines 40-49).

Regarding claim 14, Hansen et al. further teach the network communication system wherein a local modem is capable of communicating through TDD, ITU, and VOICE signals (column 6, lines 44-63).

Regarding claims 19 and 30, Hansen et al. further teach the method and computer readable medium wherein transmitting call data representative of the call to the accepting node prevents transmission of the call data to another node (column 16, lines 1-25).

Regarding claims 20 and 31, Hansen et al. further teach the method and computer readable medium comprising transferring call data from the accepting node to another node (column 25, lines 17-26).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alheim (U.S. Patent No. 5,450,470) teaches a script generator and process for programming automated TDD telephone system application. Will (U.S. Patent No. 5,588,009) teaches a personal paging, communications, and locating system. Engelke et al. (U.S. Patent No. 6,075,841) teach in-line text display for telephone terminal employing data filtering.

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

220 South 20th Street

Crystal Plaza Two, Lobby, Room 1B03

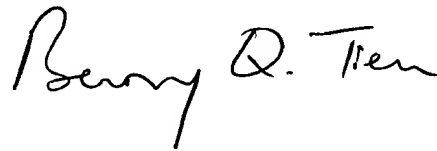
Arlington, VA 22202.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2642

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Benny D. Tieu". The signature is fluid and cursive, with the first name "Benny" being more prominent than the last name "Tieu".

BENNY TIEU
PRIMARY EXAMINER

Art Unit 2642
October 25, 2004